

making any raid report to this office, and especially keep you much out of disorderly houses.

Under the constant protest of the Assistant Corporation Counsel Hayes, the Mayor tried to get the admission from Waldo that the conduct of his department, especially in reference to his orders relative to the suppression of vice, was along the lines of the Mayor's well-known beliefs in "outward order and decency."

Commissioner Waldo steadfastly refused to admit that he knew of the Mayor's well-known declaration on this subject, or that his office was governed by the convictions of City Hall.

The Mayor was on trial, not Hayes, was the general comment at Headquarters.

The first fight for the defense was pinned upon the fact that Douglas T. McKay as trial commissioner, the same issue upon which the trial was hung up last week. After vainly trying to force Thomas D. Thacher, Hayes's counsel, to reveal wherein Mr. McKay would be an important witness for the defense, Assistant Corporation Counsel Terence Farley advised Mr. McKay that there was no legal evidence of his disqualification and that he could proceed.

At no time did Mr. Thacher raise the issue of Waldo's act of yesterday.

"BIG TIM'S" FRIEND EARLY ON HAND TO TESTIFY FOR HAYES.

With Hayes and his counsel, Senator Jack Fitzgerald, "Big Tim's" friend and factotum, entered the court. Fitzgerald, who, it is said, would be a witness for Hayes, entered in earnest conversation with Lawyer Thacher for several minutes.

Behind the demoted inspector came the inspectors called as witnesses for Waldo—Laney, Calabrese, Daly and Titus. Capt. William P. Day of the Fourth Inspection District, Hayes's old ballwick, also ranked himself solidly in line. An eager crowd, including several women, pushed into the courtroom after the inspectors.

"Not a word! Not a word until my case is on!" was Lawyer Thacher's answer to all questions. He refused to indulge in any speculation concerning the possible effect of Commissioner Waldo's temporary restoration to duty of the accused former inspector yesterday.

Before the proceedings opened Hayes walked over to the line of inspectors and, with hands on hips, stood chatting with them for several minutes. What he said was for their ears exclusively.

Loyal Leslie, an Assistant Corporation Counsel, appeared to assist Farley, his colleague.

First Deputy Commissioner McKay served notice that McKay WILL BE WITNESS.

"I have a motion to make," then said Mr. Thacher. "I may say that Deputy Commissioner McKay will be called upon to substantiate an important portion of testimony for the defense. It is a matter of common knowledge that no judge can sit as a witness."

Mr. Thacher then asked to be sworn, so that he could make a statement under oath. The oath was administered and Mr. Farley asked Mr. Thacher if he would state whether or not he had claimed Commissioner McKay could have any pecuniary interest in the case. Mr. Thacher said that judge, which disqualified him from acting.

"I make no such claim," was the answer.

"Do you make the claim that McKay would be disqualified by constituency?" pursued Mr. Farley.

"I do not," replied Mr. Thacher. "When your whole protest is based on the fact that a subpoena has been served upon Commissioner McKay, and yet you refuse to indicate what portion of the defense he is to substantiate."

Mr. Thacher admitted that fact. But he said that it made no difference whether McKay was called as a witness or not, as long as he was in possession of important facts concerning the defense.

"I submit it would not only be improper, but embarrassing for him to serve," he said.

HAYES'S VERACITY AT McKay's MERCY, COUNSEL CONTENDS.

Deputy McKay asked Mr. Farley what he had to say further. The Corporation Counsel's assistant maintained that, since there was not legal proof before the court that Mr. McKay would be called as a witness, his opinion was that there was no impropriety in Mr. McKay's continuing to serve.

But again Mr. Thacher interjected: "You will be in a position to state, if called as a witness, whether or not Hayes is a liar or an honest man?"

Once more Mr. Farley asked Mr. Thacher to define his position, and Hayes's counsel replied angrily: "I don't see the use of lawyerlike quality of procedure in all this."

Deputy McKay then denied Mr. Thacher's motion and continued to sit as Trial Commissioner. Commissioner Waldo was called as first witness, and a recess of five minutes was taken until he could be brought from his office.

In all the preliminary sparring, not a word was said about the charges against Hayes being vitiated by Waldo's action in restoring him temporarily to duty yesterday.

WALDO TELLS OF CRUCIAL QUESTION.

Waldo, being sworn, answered the usual preliminary questions, then came down to occurrences in his office on

Aug. 11. He named the inspectors present as Hayes, Titus, Daly, Titus, and Titus.

Mr. Thacher objected to Mr. Waldo giving the list of any conversation had there in Hayes's presence. Mr. Waldo said he had summarized the inspectors to ask them if they had given to the press (objection)—Inspector Hayes was asked a number of questions.

Mr. Farley then wanted to put in evidence the stenographer's minutes of that meeting in Waldo's office. Mr. Thacher asked to examine them before they were read, and suggested that Commissioner Waldo repeat the conversation orally.

"I said Inspector Hayes to say whether, as quoted, he had received orders from me not to raid houses of ill fame without Commissioner's orders. He asked me if he should answer before all the others present. I told him he certainly should. Whereupon he made a statement to the effect that such had been his orders."

Mr. Thacher objected to Mr. Waldo giving the best recollection of the exact phraseology, what he read from the minutes.

"Upon my cross-questioning," continued the witness, "Hayes said again that his understanding of my orders were not to enter houses of ill fame without my order."

"What orders had you given?" "General orders to maintain peace and good order in his district. I never gave orders other than these general instructions. But I sent him two letters, one dated the first of the month, and the second on or fifteen days later, enclosing instructions from the Mayor."

Both letters were offered in evidence by Mr. Farley. Waldo said those were the only two letters sent to Fitzgerald.

"He was never given instructions not to raid disorderly houses of any kind," Mr. Thacher asked.

Mr. Thacher then asked that Mr. Waldo produce the record of raids made in Hayes's district upon disorderly houses, from Aug. 30, 1911, to Aug. 30, 1912. Hayes stated that he was an inspector. It is understood that in this time Hayes made 101 raids on disorderly houses.

Commissioner Waldo was turned over to Mr. Thacher for cross-examination.

"Since you were appointed Police Commissioner, hasn't it been your endeavor to eliminate graft?" was Mr. Thacher's first question.

Mr. Thacher then examined Mr. Waldo as to conditions in the department. He had him explain how a "Central Office Squad" was organized to investigate the raids upon gambling and disorderly houses.

In answer to a question Mr. Waldo said:

"Whenever I had a suspicion that there was graft between members of this squad and gambling houses or disorderly houses I obliterated the contact."

Mr. Thacher then submitted in evidence a letter from the Mayor to Allen Robinson of the Allied Real Estate interests. He did not read it.

"Do you recall that raids were made on the Hotel Robespierre, No. 230 West Fifth street?" asked the examiner.

"I heard later a complaint that the raids were made with the purpose of collecting graft," was the answer. "I called Inspector Hayes's attention to it and his explanation was thoroughly satisfactory."

Mr. Thacher pressed the Commissioner to tell if that was all he did after his talk with Hayes. Waldo told his temper and said he had answered that question. He had no recollection of pushing the inquiry into the Robespierre beyond the talk with Hayes.

"Our task was entirely satisfactory," he added. "If I had made more investigation I would have remembered it."

"Didn't Hayes tell you the raid was made on the complaint of respectable, upright citizens?"

Mr. Thacher pounded Commissioner Waldo further. He seemed particularly anxious to have Mr. Waldo tell exactly what was the conversation.

"This is the crux of the case!" Mr. Thacher suddenly interjected, when Mr. Farley tried to come to the relief of Waldo. Everybody expected that Mr. Thacher would lay the foundation for Hayes's contention that this was the time he received his instructions not to make further raids on disorderly houses.

"Didn't Lieut. Castigan get instructions from you to make investigation and get evidence before making arrests?"

"I had nothing on him, in that connection," replied the witness. "I didn't even know Lieut. Castigan's name at the time he was transferred all this time."

"Wasn't it reported to you by a reputable newspaper man that Hayes's men were getting graft?"

"Some of them, I believe, told me. I made an examination which satisfied me that they were not."

Mr. Thacher transferred from Mr. Waldo's question at the time of this raid on the Robespierre?

Waldo again did not remember.

Mr. Thacher then had the witness repeat the workings of his "Strong-Arm Squad."

"You will not say the entire responsibility for enforcing law against the disorderly houses rested solely on the inspectors?"

"Entire responsibility did rest on the inspectors," said the Commissioner. "The squads were used merely to check up on the inspectors. They reported to me every day. I was in the office doing."

"Didn't Lieut. Castigan get instructions from you to make investigation and get evidence before making arrests?"

"Certainly not," snapped Mr. Waldo. Then, in his suavest voice, Mr. Thacher said:

"THE TENDERLOIN?—WHY, IT'S MOVED UPTOWN RECENTLY."

Mr. Waldo, where is the Tenderloin?" "Why—why it's moved uptown recently," should say, from Twenty-seventh to Fifth street and from Sixth avenue to Seventh to Eighth avenue. It's not a definite word."

Mr. Farley protested against Mr. Thacher's disposition to make a goat of Waldo. But he continued:

"There are more violations of the disorderly and gambling house laws there than elsewhere in the city."

"Yes," answered Mr. Waldo. Here, upon Mr. Farley's objection, Mr. Thacher said:

"I'm going to prove it is the policy of the present police administration not to raid these houses. I intend to prove that the orders Hayes got were absolutely consistent with that policy and the orders the city witness says he gave were in consistent with that policy."

Then he asked:

"Isn't it a fact that the Mayor has directed your administration?"

"No," replied Mr. Waldo. Mr. Farley objected and the examiner put another: "Don't you know it is a matter of common knowledge what the Mayor thinks on this matter?"

Mr. Thacher read from Mayor Gaynor's address to the assembled clergymen on April 11, 1910, the clerical conference of ministers in which speech was made the statement that "in no city are there less signs of immorality." He asked Mr. Waldo if he didn't know of that speech.

Mr. Farley's objection, on the grounds of the immateriality of the Mayor's views

on crime and the social evil, was sustained.

Again Mr. Thacher asked, hadn't the Commissioner read the Mayor's speech on the crime and morality question?

Mr. Waldo said he had summarized the Mayor's speech in his report to the police. Mr. Farley jumped up with an objection.

Then Mr. Thacher asked if the witness had read the report of the committee on police affairs of the Chamber of Commerce, wherein Mayor Gaynor's testimony to the same effect was incorporated. The Mayor said on that occasion: "They say in answer to it: 'Well, what are we going to do with the police force on these people? Why, if we do, the police will simply take money from them. I am talking now of sexual vice, although there are a great many vices besides that one.'"

"I never heard of the committee or the report," answered Mr. Waldo. "Do you not know the Mayor has stipulated that good policemen should get their evidence from the outside and not the inside?"

Mr. Farley asked if Mr. Thacher were really trying to kill him with evidence. Mr. Waldo said he had told Hayes not to go into apartment houses.

Mr. Thacher also had Waldo tell how, two days before he degraded Hayes, and when he had already heard rumors of Hayes's alleged untruthfulness, he had acted upon the tip of two citizens and had sent this tip to Hayes. But he had not specified names and addresses in his letter to Hayes.

"Why, then, after being perfectly satisfied with Hayes's record in regulating the disorderly houses from February to August, during which time he made not a single arrest in that line, did you suddenly become so active in calling Hayes's attention to the citizen's tip?" Mr. Thacher demanded.

"Because," the Commissioner said, "I thought if it was true—that these citizens told me—Hayes must know of the existence of this resort and be inactive."

Mr. Waldo was then excused and Frank Donohue, the stenographer, who had acted upon the tip of two citizens and had sent this tip to Hayes. But he had not specified names and addresses in his letter to Hayes.

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Pretty Southern Girls Who Kept Box Score of Titled Proposals During European Trip



the raid referred to in the morning's testimony.

"Isn't it a fact that several times before that occasion when Hayes was degraded, Hayes said that he had done nothing in his district in clearing up disorderly houses?"

"I do not recall."

"I don't recall."

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"I don't recall."

"I don't recall."

"I don't recall."

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GIBSON CHALLENGES ACCUSERS TO SHOW SZABO WILL FRAUD

(Continued from First Page.)

death and of remarks made by the lawyer expressing his sympathy.

A few additional words were drawn from Lawyer Gibson to-day concerning the Greenwood Lake tragedy. He was met by reporters as he was leaving his home in Rutherford, N. J., on his way to his law office at No. 5 Liberty street, Manhattan. He was much calmer than he appeared yesterday and decidedly emphatic in his statements.

"Is it true," he was asked, "that immediately after you were rescued from Greenwood Lake you said to Deputy Sheriff Degraw:

"'Billy, I'm a married man. I was up here on a lark with this woman. Be careful what you say?'"

Gibson raised his eyebrows, removed his glasses and polished them. Then, looking his questioner squarely in the eye, he said:

"I didn't say that. If Billy Degraw says I told him that I think he is mistaken. I don't think he said it."</